

# U.S. COMMISSION OF FINE ARTS

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28 September 2011

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FCC Mail Room

Dear Ms. Dortch:

The U.S. Commission of Fine Arts (CFA), an independent federal design review agency, offers the following comments to the Federal Communications Commission (FCC) in response to the Notice of Inquiry for WC Docket No. 11-59, released 7 April 2011, and comments submitted for the record by NextG Networks, Inc. regarding the acceleration of broadband deployment.

The Commission of Fine Arts was established in 1910 (40 U.S.C. 104) to advise the federal government on questions of art and architecture, particularly as they affect the symbolism, design, and appearance of Washington, D.C.; this mission has been expanded to include advising the District of Columbia government regarding private-sector development in the Old Georgetown historic district (Public Law 81-808) and other areas of federal interest under the Shipstead-Luce Act (Public Law 71-231). As an agency responsible under federal law to control the appearance of buildings and public lands in the District of Columbia, the Commission staff works closely with other regulatory agencies such as the National Capital Planning Commission and the District of Columbia Office of Planning Historic Preservation Officer to ensure coordinated and timely review of applications.

NextG Networks, Inc. in its comments dated 18 July 2011, identified an assortment of review processes within the District of Columbia—including those of the CFA—and has characterized these as subject to a “host of competing jurisdictions;” it cites the District of Columbia as an example of where “slow and problematic local permitting processes” necessitate timelines that “can only be estimated in years.” We find this estimate to be an extreme exaggeration. In fact, the actual requirements of the CFA’s review are substantially shorter—a review process of weeks, rather than years. For projects submitted to by other federal jurisdictions (such as the National Park Service), there is a period of *three weeks* between the filing of the case and the release of the Commission’s decision letter; for applications submitted to it by the District of Columbia, the federal laws require that CFA submit its formal advice in *45 days* (for cases reviewed under the Old Georgetown Act) or *30 days* (for cases reviewed under the Shipstead-Luce Act).

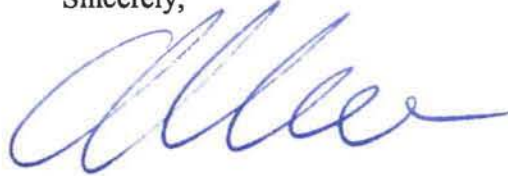
The CFA has reviewed numerous submissions for telecommunication installations in the past; the CFA staff is always available to assist applicants to address issues of design and aesthetics in order to help facilitate the review of their projects in a timely and efficient manner. In the case of proposals for the installation of telecommunications equipment, our goal is to facilitate the installations while minimizing their visual impact on the physical resources we are required to protect. Our records indicate that the Commission of Fine Arts has only received one submission involving NextG Networks; this submission was made on the behalf of NextG Networks by the District of Columbia

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Department of Transportation in July 2009. The submission was withdrawn by NextG Networks before the case was presented to the Commission for its formal review. We are not aware of any complaints made by NextG Networks regarding the CFA's review process or schedule.

We hope this letter clarifies what we find to be inaccurate description of the Commission of Fine Arts review of proposals in Washington, D.C., by NextG Networks in its comments to the FCC.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Luebke', with a stylized, cursive script.

Thomas Luebke, FAIA  
Secretary

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
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